

**REMARKS**

**Status of Claims**

Claims 1, 4-9, 12-17, 20-22, 28-33 and 44-46 are pending in this application. By this Amendment, Claims 1, 7, 17, 32-33 and 46 are amended. Claims 2-3, 10-11, 18-29, 23-27 and 34-43 were previously canceled.

No new matter has been added. With respect to the various amendments to Claims 1, 7, 17, 32-33 and 46, see for example the originally filed application at numbered paragraphs [0023], [0033], [0030], and [0052].

In the interest of reducing the complexity of the issues for the Examiner to consider in this response, the following discussion focuses primarily on independent Claims 1, 17, 32, and 33. The patentability of each remaining dependent claim is not necessarily separately addressed in detail. However, Applicants' decision not to discuss the differences between the cited art and each dependent claim should not be considered that these dependent claims are not separately patentable over the disclosure in the cited references. Similarly, Applicants' decision not to discuss differences between the prior art and every claim element, or every comment made by the Examiner, should not be considered as an admission that applicants concur with the Examiner's interpretation and assertions regarding those claims.

**Cited Art**

**Lemelson** generally discloses method and mechanism for preventing blurred photographs using a motion sensor. When the motion sensor detects that the camera is moving, it interlocks or prevents a shutter of the camera from operating to capture an image. In

this way blurred pictures are prevented. Lemelson further discloses at column 3, lines 1–11 that the camera's shutter speed can be preset or can be a function of ambient light, distance to a subject, and/or other variables.

Ishibashi generally discusses a human body mounted camera which captures the status of the wearer. For example, Ishibashi describes capturing such indicators as pulse rate, body temperature, blood pressure, pupil size, sound, electric conductivity of the skin, vibration, and head orientation to determine the psychological state and whether the wearer is walking or not. Ishabashi uses this information to determine when and how frequently to take pictures.

Grosvenor is generally directed to identifying features of interest in sequential frames of an image. By moving a camera with the line-of-sight of a wearer, the features of interest to the wearer tend to be in multiple frames, and can be identified by a video processor.

Horimoto discloses a fish-eye lens system.

Moultrie, Jr. discloses a camera designed to operate outside, and to capture images when animals pass by, using a passive infrared detector.

Shiozaki discloses a camera with an LCD display.

**Rejections under 35 U.S.C. § 102(b)**

In the Office Action, the Examiner rejects Claims 1, 7, 12, 15, 17, 28, 30–32 and 44–45 under 35 U.S.C. § 102(b) over Lemelson (U.S. Patent No. 4,901,096). This rejection is respectfully traversed.

In the Office Action, the Examiner cites Lemelson at Column 2, Line 59 to Column 3, Line 11 (C2/L59 – C3/L11) as disclosing that detection of a proper amount of light causes capture of an image by a camera. This assertion is respectfully traversed.

Lemelson discloses instead that automatic focus and shutter timing functions (C2/L61)

are enabled when a normally open push-button switch 13 is closed (C2/L63–C3/L4) and no motion is sensed. If motion is sensed, then operation of the shutter is inhibited until camera movement is no longer sensed (C3/L12–29). The automatic focus and shutter timing functions referred to for example in Lemelson at C2/L61 and C3/L2–11 and C3/L24–29 simply ensure that when an image is captured, the shutter is opened long enough to pass an appropriate amount of light.

The automatic focus and shutter timing functions of Lemelson do not trigger capture of an image by the camera, and do not detect a change in a level of ambient light and then trigger capture of an image in response to that detected change, as encompassed by the presently pending independent Claims 1, 17, 32 and 33.

Lemelson further fails to disclose or suggest triggering capture of an image subject to a detected stable condition and in response to detection of a change in a level of ambient light that corresponds to a change of location from one room to another room, as encompassed by independent Claim 17 and dependent Claim 7 of the present application.

Ishibashi, Grosvenor, Horimoto, Moultrie and Shiozaki fail to overcome these deficiencies of Lemelson, and accordingly the asserted combinations of references fail to disclose or suggest the claimed combinations of features.

In particular with respect to Claim 1, Lemelson, Ishibashi, Grosvenor, Horimoto, Moultrie and Shiozaki, when considered both separately and in combination, fail to disclose or suggest *“an environmental sensor operably connected to the camera and configured to monitor an ambient condition, the ambient condition including ambient light, external to the wearer to detect a capture condition, wherein the capture condition comprises detection of a change in a level of the ambient light, wherein detection of the capture condition and detection of the stable condition triggers capture of an image by the camera”*, as recited in Claim 1.

In particular with respect to independent Claim 17, Lemelson, Ishibashi, Grosvenor,

Horimoto, Moultrie and Shiozaki, when considered both separately and in combination, fail to disclose or suggest “*detecting a capture condition experienced by the camera by monitoring an ambient condition, the ambient condition including a change in ambient light level corresponding to movement of the camera from one room to another, with an environmental sensor; detecting a stable condition by the at least one accelerometer along the at least one axis, responsive to the operation of detecting the capture condition; and capturing an image by the camera in response to the detection of the capture condition and the detection of the stable condition*”, as recited in Claim 17.

In particular with respect to independent Claim 32, Lemelson, Ishibashi, Grosvenor, Horimoto, Moultrie and Shiozaki, when considered both separately and in combination, fail to disclose or suggest “*detecting a capture condition experienced by the camera by monitoring ambient conditions with environmental sensors, the ambient conditions including ambient light, ambient temperature, and ambient sound, and the capture condition including a change in a level of the ambient light; and detecting a stable condition of the camera detected by the at least one accelerometer along the at least one axis, responsive to the operation of detecting the capture condition, wherein detection of the capture condition followed by detection of the stable condition triggers capture of an image by the camera, the capture of the image by the camera delayed by at least a predefined delay period after detection of the capture condition*”, as recited in independent Claim 32.

In particular with respect to independent Claim 33, Lemelson, Ishibashi, Grosvenor, Horimoto, Moultrie and Shiozaki, when considered both separately and in combination, fail to disclose or suggest “*an environmental sensor operably connected to the camera that monitors an ambient condition, the ambient condition including ambient light, to detect a capture condition including a change in a level of the ambient light, wherein detection of the capture condition followed by detection of the stable condition triggers capture of an image by the*

*camera*", as recited in Claim 33.

With respect to dependent Claims 7, Lemelson, Ishibashi, Grosvenor, Horimoto, Moultrie and Shiozaki, when considered both separately and in combination, likewise fail to disclose or suggest "*wherein the change in the level of the ambient light corresponds to movement of the environmental sensor from one room to another room*", as recited in dependent Claim 7.

The remaining dependent claims depend variously from allowable independent claims, and are therefore likewise allowable for at least the same reasons.

For at least the above reasons, withdrawal of the rejection of Claims 1, 7, 12, 15, 17, 28, 30–32 and 44–45 under 35 U.S.C. § 102(b) over Lemelson is respectfully requested.

**Rejections Under 35 U.S.C. § 103(a)**

In the Office Action, Claims 4, 8, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemelson and Ishibashi (US 6,558,050).

Claims 5, 6, 21, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemelson in view of Horimoto (US 4,009,943).

Claims 14 and 29 are rejected under 35 U.S.C. § 103(a) over Lemelson in view of Grosvenor (U.S. Publication No. 2003/0025798).

Claims 9 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemelson in view of Moultrie (US 2002/0159770).

Claims 33 and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemelson in view of Shiozaki (US 5,978,603).

These rejections are respectfully traversed.

As noted above, Ishibashi, Grosvenor, Horimoto, Moultrie and Shiozaki fail to overcome the deficiencies of Lemelson, and therefore dependent Claims 5, 6, 21–22, 14, 29, 9, 16, 33 and 46 are allowable for at least the same reasons as the independent claims from which they

depend.

In particular with respect to dependent Claim 46, Lemelson, Ishibashi, Grosvenor, Horimoto, Moultrie and Shiozaki, when considered both separately and in combination, likewise fail to disclose or suggest " *digital media player of claim 33, wherein the ambient light is directly measured by a light level sensor and wherein the change in the level of the ambient light corresponds to the light level sensor moving from one room to another room*", as recited in dependent Claim 46.

Accordingly, withdrawal of the claim rejections under 35 U.S.C. § 103(a) over Lemelson in various combinations with Ishibashi, Grosvenor, Horimoto, Moultrie and Shiozaki is respectfully requested.

**Conclusion**

In view of the above amendment and remarks, Applicants respectfully submit that all objections and rejections have been addressed, and the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Application Number: 10/790,602  
Attorney Docket Number: 306985.01  
Filing Date: March 1, 2004

**PATENT**

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,  
Microsoft Corporation

Date: May 26, 2009

By: /M. David Ream/

M. David Ream, Reg. No. 35,333  
Agent for Applicants  
Direct telephone: (425) 538.5530  
Microsoft Corporation  
One Microsoft Way  
Redmond WA 98052-6399

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

May 26, 2009  
Date

/Rimma N. Oks/  
Rimma N. Oks

Application Number: 10/790,602  
Attorney Docket Number: 306985.01  
Filing Date: March 1, 2004